SERVED: February 18, 1994

NTSB Order No. EA-4092

UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD at its office in Washington, D.C. on the 14th day of February, 1994

DAVID R. HINSON, Administrator,

Federal Aviation Administration,

Complainant,

v.

MILTON ERNEST GILLEY,

Respondent.

Docket SE-12638

ORDER DISMISSING APPEAL

On November 12, 1992, respondent filed a notice of appeal from the oral initial decision Administrative Law Judge William E. Fowler, Jr. rendered at the conclusion of an evidentiary hearing held on November 10, 1992. However, the respondent has failed to file an appeal brief and, therefore, his appeal is

¹The law judge affirmed an order of the Administrator alleging that respondent violated Sections 43.13(a) and (b) and 43.15(a)(1) of the Federal Aviation Regulations, but modified the order to provide for a 45 rather than a 60-day suspension of any and all certificates held by respondent, including Airframe and Powerplant Mechanic and Inspection Authorization Certificate Number 002356198.

²Respondent's counsel, who had obtained an extension of time through February 1, 1993, to file respondent's appeal brief,

subject to dismissal under Section 821.48(a) of the Board's Rules of Practice.³ 49 CFR 821.

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's appeal is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HAMMERSCHMIDT, and HALL, Members of the Board, concurred in the above order.

(..continued)
notified the Board by letters of February 2 and April 9, 1993,
that the case had been settled. He advised that upon receipt of
an Amended Order of Suspension from the Administrator he would be
filing a motion to withdraw appeal. No such motion, and no
appeal brief, have been received to date.

³Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.